REMARKS

The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

Specification

The Applicants have reviewed the abstract in view of the Examiners reminder of the proper form of an Abstract. Applicants believe the abstract is of proper form. If the Examiner believes the abstract to deviate from the proper form, then Applicants respectfully request that the Examiner point this out with particularity.

The Applicants have amended the title consistent with the Examiner's requirement.

35 U.S.C. §112 Rejection

Claims 18-20, 32, 38 and 39 are rejected under 35 U.S.C. 112, first paragraph.

Applicants respectfully submit that claims 18 and 32 have been amended to overcome the rejection.

35 U.S.C. §112 Rejection

Claims 1, 4, 32 and 33 are rejected under 35 U.S.C. 112, second paragraph.

Applicants respectfully submit that claim 1 has been amended to overcome the rejection.

Atty Docket No. 42P10211   8
Application No. 09/893,021

35 U.S.C. §102(e) Rejection - Kim

The Examiner has rejected claims 1, 29, 30, 32, 33, 40 and 42 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,868,444 issued to Kim et al. (hereinafter referred to as "Kim"). The Applicants respectfully submit that the present claims are allowable over Kim.

Claim 1 recites a method comprising *"generating, at a machine, an electronic data file including a configuration change; transmitting the electronic data file including the configuration change to an appliance, the electronic data file to cause the appliance to be reconfigured based on the configuration change; and receiving, at the machine, a second electronic data file indicating whether or not the reconfiguration of the appliance was successful"*.

Kim does not teach or suggest these limitations. In particular, Kim does not teach or suggest either: (1) transmitting an electronic data file including a **configuration change**; or (2) receiving, at the machine that generated the claimed electronic data file, a second electronic data file indicating whether or not the reconfiguration of the appliance was successful.

Firstly, Kim does not teach or suggest transmitting an electronic data file including a **configuration change**. After the centralized database has been updated, Kim discusses that the server manager 32 initiates or triggers a server daemon residing on a selected server. The daemon **reads** the modified fields (see e.g., column 7, line 9) or **retrieves** the modified parameter (see e.g., column 6, line 44). There is no teaching or suggestion that the server manager 32 transmitting an electronic data file including a **configuration change**.

Atty Docket No. 42P10211   9
Application No. 09/893,021

Secondly, Kim does not teach or suggest receiving, at the machine that generated the claimed electronic data file, a second electronic data file indicating whether or not the reconfiguration of the appliance was successful. At column 8, lines 39-41 Kim discusses *"the server confirms to the user (emphasis added) that the requested modification has been performed"*. However, the **user** is not a **machine**. Furthermore, column 4, line 65 through column 5 line 1 make it clear that the user is the client who hires the web hosting provider. Accordingly, the user is a different party than the server manager. Accordingly, the same machine that generates the claimed electronic data file does not receive a second electronic data file indicating whether or not the reconfiguration of the appliance was successful.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. *"For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference."* In Re Bond, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

For at least these reasons, claim 1 and its dependent claims are believed to be allowable over Kim.

Independent claim 29 and its dependent claims are believed to be allowable for at least one similar reason.

35 U.S.C. §103(a) Rejection – Kim and Smith

The Examiner has rejected claims 4, 11, 12, 17, 18, 19, 20, 34-39 and 41 under 35 U.S.C. §103(a) as being unpatentable over Kim in view of U.S. Patent No. 6,785,015 issued to Smith et al. (hereinafter "Smith"). Without admitting the appropriatness of

Atty Docket No. 42P10211   10
Application No. 09/893,021

combining <u>Kim</u> and <u>Smith</u>, the Applicants respectfully submit that the present claims are allowable over <u>Kim</u> and <u>Smith</u>.

Claim 11 recites a method comprising *"receiving an email including configuration information at an appliance; and reconfiguring the appliance based on the configuration information **when the appliance is idle**"*.

Neither <u>Kim</u> nor <u>Smith</u> teach or suggest reconfiguring the appliance based on the configuration information when the appliance is idle. The Examiner has apparently asserted that <u>Kim</u> discloses this at column 8, lines 35-49. See e.g., page 6 of the present office action. Applicants have reviewed this section and have found absolutely no teaching or suggestion of reconfiguring the appliance based on the configuration information when the appliance is idle. This section discusses that the server may be down. However, when the server is down apparently the server modification is reversed.

For at least these reasons, claim 11 and its dependent claims are believed to be allowable over <u>Kim</u> and <u>Smith</u>.

Claim 18 recites a method comprising *"entering configuration information using an application running on a **machine**; sending an email including the configuration information **from the machine** to each of a group of appliances at substantially the same time to consistently configure the group of appliances"*.

Neither <u>Kim</u> nor <u>Smith</u> teach or suggest these limitations. In particular, as understood by Applicants, <u>Kim</u> discusses that a user (the client who hires the web hosting provider) requests a configuration change of at least one of the servers. See e.g., column 2, lines 45-55. <u>Kim</u> also discusses that the server manager (of the web hosting provider) triggers daemons of servers so that the daemons may modify the configuration of the servers. Accordingly, there is no teaching or suggestion in <u>Kim</u> and <u>Smith</u> that

Atty Docket No. 42P10211   11
Application No. 09/893,021

configuration information be entered using an application running on a **machine** and that the configuration is sent from **the same machine** to each of a group of appliances at substantially the same time to consistently configure the group of appliances.

For at least these reasons, claim 18 and its dependent claims are believed to be allowable over <u>Kim</u> and <u>Smith</u>.

Atty Docket No. 42P10211   12
Application No. 09/893,021

Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 8/25/06

Brent E. Vecchia
Reg. No. 48,011

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1030

Atty Docket No. 42P10211   13
Application No. 09/893,021